

**TESTIMONY OF**

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**BEFORE THE HOUSE COMMITTEE ON GOVERNMENT REFORM**

**SUBCOMMITTEE ON NATIONAL SECURITY,**

**VETERANS AFFAIRS AND INTERNATIONAL RELATIONS**

**ROOM 2154, RAYBURN HOUSE OFFICE BUILDING**

**JUNE 11, 2002, 1:00 P.M.**

Thank you for the opportunity to appear before this Subcommittee today to discuss the important topic of how our government is organized to combat terrorism. The President has proposed a bold and revolutionary approach to protecting our country from internal and external forces that threaten our physical safety. I know I speak for all 35,000 men and women of the Immigration and Naturalization Service (INS) in saying that we at the INS intend to do our part to make the new Department of Homeland Security (the Department) a success.

I strongly support the creation of this new cabinet-level department and I consider this an important and very positive development for the security of our nation and for the mission and employees of the INS. In this new unified structure, the Department of Homeland Security will have one of the most important missions of our government: protecting the American people and ensuring the safety of our institutions and our precious freedoms.

The functions of the INS are particularly well situated for the transition to this new Department. We have long recognized that the INS needs to be restructured, and we have taken many fundamental steps in that direction. However, there has been the lingering question as to what the final new structure would look like. The new Department of Homeland Security would include the functions of the INS and would, consistent with the President's long-standing position, separate immigration services from immigration law enforcement. The Department would build an immigration services organization that would administer our immigration law in an efficient, fair and humane manner. The Department would make certain that America continues to welcome visitors and those who seek opportunity within our shores while excluding terrorists and their supporters.

To understand the full meaning and potential benefit of these proposed changes, it is important to put the current INS mission and its challenges into context. More than 500 million inspections are conducted at our ports-of-entry every year, and hundreds of millions enter the United States without visas, through visa waiver programs or other exemptions from the normal visa process; the INS has roughly 5,000 inspectors to process these hundreds of millions of visitors who arrive at our borders every year. INS has approximately 2,000 investigators throughout the country to deal with persons who have entered illegally, are criminal aliens or have overstayed their visas or otherwise have violated the terms of their status as visitors to the United States. The agency has experienced explosive growth over the past several years, growing at an annual rate of more than 10 to 20 percent, including a doubling in the size of its workforce since 1994. In the past 8 years alone, more people have applied for naturalization than in the previous 40 years combined.

INS' hard-working employees have done a tremendous job, under difficult circumstances, in response to the tragic events of September 11. Since September 11<sup>th</sup>, INS special agents, intelligence analysts, detention officers, and others have worked closely with FBI-led counter terrorism task force. They have generated, and pursued, thousands of leads, resulting in the arrest of more than 700 aliens for a variety of administrative and criminal charges. They have worked with officials from the Treasury Department's Office of Foreign Asset Control to identify and freeze the assets of terrorist organizations and their front groups. INS detention and deportation officers and attorneys have played a critical role in supporting the nationwide enforcement effort. Border Patrol agents and immigration inspectors have been working just as diligently to strengthen security at our ports and along our borders.

Mr. Chairman, within 36 hours of the September 11 attacks, 317 Border Patrol agents were deployed to nine international airports, where they played a vital role in strengthening security and restoring travelers' confidence in the safety of flying. Almost immediately after the attacks, INS set up the Prevent Departure Unit. The Unit was responsible for the rapid turnaround and dissemination of the Prevent Departure Lists that were based on the FBI's "Watch Lists." These lists went to all

INS regional field offices, other federal government agencies, and transportation organizations. In addition, our Forensic Document Laboratory examined passports recovered from the crash sites, and it continues to receive requests from the FBI, the Joint Terrorism Task Force and others to analyze documents linked to known and suspected terrorists. It was the Forensic Document Laboratory's Fingerprint Unit that confirmed the true identity of Richard Reid, the "Shoe Bomber," who attempted to blow up a jetliner as it was in flight from Paris to Miami in December.

In addition, since September 11, the INS has undertaken numerous initiatives to enhance security.

- Since September 11, ports-of-entry have been on a Threat Level One alert – the highest state of alert; Border Patrol agents have been assigned to major airports and land ports; and our adjudications process has been changed to ensure that applications are checked against terrorist watch lists.
- Shortly after the terrorist attacks, INS began Operation Tarmac, an initiative designed to ensure that employees who have access to secure areas of airports and other critical security infrastructures are legally in this country, authorized to work, and pose no threat to the American people. This is a significant undertaking; as an example, the Los Angeles and San Francisco Airports alone account for 65,000 employees.
- After September 11, INS began conducting the Absconder Apprehension Initiative, designed to ensure that aliens against whom Final Orders of Removal have been entered do indeed leave the country. The initiative consists of entering the names of all aliens who have violated federal criminal law by failing to depart as ordered into the FBI's nationwide criminal database. State and local law enforcement officers will be able to detain offenders under their own authority because of the federal crime.
- INS also has worked with the State Department to establish new initiatives to increase security. Today, INS Inspectors have access to visa data from the Consolidated Consular Database system and, as a result, can call up visa records for immigrants and nonimmigrants and photos of nonimmigrants as they arrive at ports of entry. This system helps to identify security and fraud risks.
- Throughout the emergency, INS Border Patrol worked with the U.S. Coast Guard to undertake a variety of initiatives to increase safety and security in the Great Lakes region. These include joint missions, intelligence sharing and the expanded use of the Integrated Marine Enforcement Team (IMET) concept. Initially, cooperative efforts focused on the Lower and Upper Niagara River, St. Clair River, St. Clair Lake, and the Sault St. Marie River.
- Under the direction of the Department of Justice, the INS and the FBI are integrating the "IDENT" and "IAFIS" fingerprint databases. As part of this process, the United States Marshals Service Federal Fugitive fingerprints were added to IDENT on August 15, 2001. Building on this success, in December 2001, INS worked with the FBI to include FBI fingerprints of foreign nationals wanted by law enforcement. This overall effort has resulted in the identification of over 1,600 individuals wanted for felony crimes that include homicide, rape, drug crimes, and weapons violations.
- With an appropriation of \$36.8 million, INS is moving from a paper system to an Internet-based system for the administration and tracking of foreign students, and will meet the PATRIOT Act deadline for implementing the system by January 1, 2003. Based on a proposed rule published in May, we will begin enrolling universities in the

new SEVIS system on a voluntary basis beginning on July 1, 2002. Implementation of SEVIS is an invaluable asset enabling INS to better control and manage those foreign students and exchange visitors who wish to continue their educations in the United States.

- In addition to the SEVIS regulation, in April, INS announced regulatory changes that 1) immediately prohibited B nonimmigrant visitor visa holders from attending school prior to obtaining approval of a change to student status and 2) propose to require visitors on B visas to indicate at the port-of-entry if they intend to seek a change to student status. Taken together with SEVIS, these changes will strengthen oversight of foreign students and the programs they attend.
- In an effort to strike the appropriate balance between INS' mission to ensure that our nation's immigration laws are followed and stop illegal immigration and our desire to welcome legitimate visitors to the United States, on April 8, INS announced proposed regulatory changes that would: 1) eliminate the minimum 6-month admission period for individuals entering on tourist visas, and instead base the admission period on the fair and reasonable amount of time needed to accomplish the purpose of the trip; 2) reduce the maximum initial admission period for persons entering under visitor visas to six months; 3) limit the conditions for which an extension of stay in B nonimmigrant visitor status can be granted and reduce the maximum length of that extension; and 4) create a legal requirement for persons with a final order of removal to surrender for removal within 30 days of the final order.
- Last week, the Attorney General announced the National Security Entry-Exit Registration System. There are three components of this initiative which apply to certain aliens: first, fingerprinting and photographing at the ports-of-entry; second, periodic registration of aliens who stay in the United States thirty days or more; and third, exit controls that will help the INS to remove those aliens who overstay their visas.
- Since September 11, INS has been working with the State Department, the FBI and others to enhance refugee screening procedures, including additional fingerprint and database checks.
- As you know, to increase our presence on both the Northern and Southern borders we have entered into an agreement with the Department of Defense to obtain the help of approximately 800 National Guard personnel. Their role is to assist INS officers with such duties as cargo inspection, traffic management, and pedestrian control.
- In December, INS played a major role in the "Smart Border" Declaration signed by Homeland Security Director Tom Ridge and Canadian Minister of Foreign Affairs John Manley. This declaration includes 30 initiatives aimed at enhancing security along our shared border with Canada. In March, the Commissioner traveled to Mexico with Governor Ridge, to discuss measures for strengthening our joint security and to build on recent INS cooperative efforts with the Mexican government. In addition, a "Smart Border" action plan was agreed upon by the two governments which lays out specific actions to improve security, safety and the smooth flow of legitimate travelers and goods across the United States' border with Mexico.

Let me emphasize: while responding to the need for heightened security nationwide, INS is accountable and will remain attentive to the public safety responsibilities that are inherent in our immigration enforcement mandate as well as providing customer service to our benefit applicants.

Agents, officers and attorneys throughout the country are tending to our “other mandates.” They include:

- apprehending persons who are attempting or have entered illegally;
- removing criminal aliens from the border and interior;
- identifying and investigating alien smuggling and immigration-related crimes;
- apprehending those who have violated the terms of their status in the United States;  
and
- providing immigration benefits to qualified applicants.

INS will continue in its dual mission to adjudicate applications for immigration benefits and enforce the immigration laws as the Administration and the Congress work together on legislation to establish the Department of Homeland Security.

Mr. Chairman, all of us at INS want to improve our systems’ operations and performance. We believe that the major changes envisioned by the President’s proposal will enable us to achieve the results the nation deserves. I have seen significant actions and hard work undertaken by our people. The INS and the Department of Justice have moved forward on numerous important initiatives to enhance our Nation’s security and we will continue to make improvements to enhance both our law enforcement and service operations. I look forward to moving forward together in a positive way to improve systems for protecting our borders and our citizens, native born and naturalized. I look forward to answering your questions.